

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. No claims have been amended by the present amendment.

In the outstanding Office Action, Claims 1-7, 13-19, and 25-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,460 to Knight et al. (hereinafter “the ‘460 patent”);¹ and Claims 8-12, 20-24, and 32-36 were rejected under 35 U.S.C. § 102(a) as being unpatentable over the ‘460 patent in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter “the ‘434 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on July 5, 2005, at which time the outstanding rejection of the claims was discussed. In particular, Applicants’ representative requested clarification of how the ‘460 patent discloses a target application interface configured to receive monitoring requests, as recited in Claim 1. Moreover, Applicants’ representative requested clarification of which element in the ‘460 patent reads on the claimed target application. At the conclusion of the interview, the Examiner agreed to reconsider the rejection and indicated that he would likely conduct a further search of the prior art.

Claim 1 is directed to an object-oriented system for collecting information regarding execution of a target application in an application unit, comprising: (1) a monitoring device having a plurality of monitoring components; (2) a target application interface configured to receive a plurality of monitoring requests from the target application for processing by the

¹ Although page 3 of the Office Action dated May 13, 2005, indicates that Claims 1-36 were rejected under 35 U.S.C. § 102, the Examiner confirmed in a telephone discussion on November 30, 2004, that only Claims 1-6, 13-19, and 25-31 should have been rejected on that basis. Accordingly, since the Examiner appears to be repeating the rejection set forth in the previous Office Action, Applicants believe that only Claims 1-7, 13-19, and 25-31 are rejected under 35 U.S.C. § 102(e).

monitoring device; and (3) a system resource having at least one system resource component shared among the plurality of monitoring components using at least one abstract class.

Regarding the rejection of Claim 1 as anticipated by the '460 patent, the '460 patent is directed to a method and system for analyzing a storage network attached to at least one host computer system through multiple controllers. As shown in Figure 1, the '460 patent discloses a distributed storage management program comprising a central manager portion and a separate agent residing in each of the host computer systems. The '460 patent discloses that the agents gather data and communicate with the manager across a communication path independent of the storage network, while the manager collates the data from different agents to produce a current view of the storage network.² Further, the '460 patent discloses that each agent operates as a server, responding to data requests from the central manager. However, Applicants respectfully submit that the '460 patent fails to disclose a target application interface configured to receive a plurality of monitoring requests from the target application for processing by the monitoring device. In particular, it is unclear from the Office Action which element of the '460 patent corresponds to the claimed target application and to the claimed application unit. Page 3 of the outstanding Office Action states that "the agents act as an interface unit between the monitored device and the monitoring system," while page 7 states that "the local agents (target application) send the gathered data to the central manager (target application interface)." Thus, it appears that the Office Action has stated that the local agents are both a target application and a target application interface,³ while the central manager is also a target application interface. Thus, Applicants submit that the '460 patent fails to disclose a plurality of monitoring requests from the target application to the target application interface, as recited in amended Claim 1. In this regard, Applicants

² '460 patent, column 3, lines 17-23.

³ Page 3 of the Office Action also implies that the agents are also the claimed monitoring components, in addition to being the target application and the target application interface.

note that the Office Action fails to identify requests that are from the target application and for processing by the monitoring device. Rather, under the interpretation set forth in the Office Action, either (1) the local agents receive a plurality of monitoring requests from themselves, or (2) the central manager receives a plurality of monitoring requests from the local agents. However, Applicants respectfully submit that the first scenario is impossible, and the second scenario is not disclosed by the '460 patent. Rather, the '460 patent discloses that the central manager sends requests to monitor the storage network to the local agents.⁴ Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2-7) as anticipated by the '460 patent.

Independent Claims 13 and 15 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejections of Claim 13 (and dependent Claims 14-19) and Claim 25 (and dependent Claims 26-30) as anticipated by the '460 patent.

Regarding the rejection of dependent Claims 8-12, 20-24, and 32-36 under 35 U.S.C. § 103, Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '460 patent, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 8-12, 20-24, and 32-36 should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent claims) patentably define over any proper combination of the '460 and '434 patents.

⁴ See '460 patent, column 14, lines 22-28.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Kurt M. Berger

James J. Kulbaski
Registration No. 34,648
Attorney of Record
Kurt M. Berger, Ph.D.
Registration No. 51,461

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